

KATHLEEN A. LEAVITT
CHAPTER 13 BANKRUPTCY TRUSTEE
711 S 4th Street, Suite 101
Las Vegas, NV 89101
kal13mail@las13.com
Tel: (702) 853-0700
Fax: (702) 853-0713

E-FILED

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

IN RE:
KENT G WYATT
SARAH WYATT

Case No:-24-11250-HLB

CHAPTER 13

Hearing Date: June 27, 2024
Hearing Time: 1:30 pm

Debtor(s)

FREEDOM LAW FIRM LLC
Attorney for the Debtor

**TRUSTEE'S OPPOSITION TO CONFIRMATION OF PLAN
#1 COMBINED WITH TRUSTEE'S RECOMMENDATION FOR DISMISSAL**

Comes now KATHLEEN A. LEAVITT, Chapter 13 Bankruptcy Trustee, in the above captioned
bankruptcy case and hereby alleges as follows:

Statement of Facts

The Debtor(s) filed for Chapter 13 relief on 03/18/2024. The Section 341(a) Meeting of Creditors held on
May 21, 2024 at 1:00 pm was continued to July 2, 2024 at 2:00 pm.

Argument

The Trustee objects to confirmation of the Chapter 13 Plan and recommends that this case be dismissed
pursuant to 11 U.S.C. §1307(c) for one or more of the following reasons:

- Debtor failed to file tax returns for Kent Wyatt 2020, 2021 and Sarah Wyatt 2018, 2020, 2021, 2023. 11 U.S.C. §1308(a) and §1307(e).
- Plan is not feasible as required by 11 U.S.C. §1322 based on: Weinberg Servicing, IRS and PHH Mortgage

• Trustee objects to the exemptions claimed as the exemptions are not allowed under the specified section or the amounts specified exceed the allowable exemption, specifically: Debtors have failed to provide sufficient documentation to allow Trustee to examine whether the property qualifies for such exemption. As such, Trustee objects to use of NRS sec. 21.090(1)(cc).

• _Provide complete copies of the Triple Palm Trust and the Residential lease agreement with Tenant

Debtor(s) failed to cooperate with the Trustee as necessary to enable the Trustee to perform her duties pursuant to 11 U.S.C. §521(a)(3), §704 and/or §1302. This failure to cooperate has caused unreasonable delay that is prejudicial to creditors under 11 U.S.C. §1307(c)(1) as the Debtor(s) did not provide the following documents¹ and/or amendments:

• All tax returns for all taxable periods ending during the 4-year period ending on the date of the filing of the petition. Specifically: Personal 2020 - 2023; Triple Palm Trust Federal and State of Colorado 2020 - 2023

• Paystubs for the following period(s): 9/1/23 - 2/29/24 all sources. 11 U.S.C. §704(a)(4) and/or 11 U.S.C. §521(a)(1)(B)(iv).

• Verification of Income Interest and Dividends \$1,515 and Additional Support from friends \$2,600..

• Amendment to Plan: Plan calculation is not accurate and there are not enough funds being paid in to pay 100% of scheduled general unsecured creditors. .

Finally, Trustee makes the following statements in an effort to maintain a clear record:

• Debtor should ensure that all creditors have been noticed pursuant to LR 1007(b)(5)(B).

• Compensation of Debtor(s)' attorney requires an independent review by the court. Trustee requests that Debtor(s)' attorney file an application for compensation pursuant to 11 U.S.C. §330.

Conclusion

WHEREFORE, for the foregoing reasons, the Trustee objects to confirmation and recommends that this case be dismissed pursuant to 11 U.S.C. §1307(c).

Dated: 6/10/24

/s/ Kathleen A. Leavitt

Kathleen A. Leavitt

Chapter 13 Trustee

¹ The Trustee requests that all documents be submitted in a redacted form. Please reference F.R.B.P. 9037 for guidance on the information that should be redacted.

KATHLEEN A. LEAVITT
CHAPTER 13 STANDING TRUSTEE
711 S 4Th Street
Suite 101
Las Vegas, NV 89101

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

IN RE:

**CASE NO: BKS-24-11250-HLB
Chapter 13**

**KENT G WYATT
SARAH WYATT**

Debtor (s)

CERTIFICATE OF SERVICE

1. On June 10, 2024, I served the following document(s):

**TRUSTEE'S OPPOSITION TO CONFIRMATION OF PLAN #1 COMBINED WITH
TRUSTEE'S RECOMMENDATION FOR DISMISSAL**

2. I served the above-named documents(s) by the following means to the persons

as listed below:

United States mail, postage fully prepaid

KENT G WYATT
SARAH WYATT
7448 ORANGE HAZE WAY
LAS VEGAS, NV 89149

FREEDOM LAW FIRM LLC
8985 S EASTERN AVENUE
SUITE 100
LAS VEGAS, NV 89123

I declare under penalty of perjury that the foregoing is true and correct.

Signed on: 6/10/24

/s/ Esther Carr
Employee of
Kathleen A. Leavitt
Chapter 13 Standing Trustee